



STATE OF WASHINGTON

PUBLIC DISCLOSURE COMMISSION

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January 13, 2006

SUSAN AND STAN SCARVIE
204 SOUTH 206th ST
DES MOINES WA 98198

Subject: Complaint filed against Matt Everett, Highline Water District – PDC Case #06-239

Dear Mr. and Ms. Scarvie:

The Public Disclosure Commission (PDC) staff has completed its investigation of your complaint received August 26, 2005 and updated September 7, 2005, alleging that Matt Everett used the public facilities of Highline Water District to assist the candidacy of Gerald Guite, an alleged violation of RCW 42.17.130.

PDC staff reviewed the complaint in light of the following statute and rule:

RCW 42.17.130 prohibits elected officials, their employees, and persons appointed to or employed by a public office or agency from using or authorizing the use of public facilities, directly or indirectly, for the purpose of assisting a candidate's campaign or for the promotion of, or opposition to, any ballot proposition. This prohibition does not apply to activities which are part of the normal and regular conduct of the office or agency.

WAC 390-05-273 defines "normal and regular conduct" as conduct which is (1) lawful, i.e., specifically authorized, either expressly or by necessary implication, in an appropriate enactment, and (2) usual, i.e., not effected or authorized in or by some extraordinary means or manner.

You alleged that Matt Everett, General Manager, Highline Water District, used the facilities of Highline Water District to assist the 2005 re-election campaign of Water District Commissioner Gerald Guite by including a photograph of Mr. Guite in the Summer 2005 edition of *The Waterline*, the district's newsletter. You alleged that the photograph of Mr. Guite and the article appearing with the photo were a marked departure from the normal and regular conduct of the Highline Water District. You stated that the district's commissioners had previously been pictured in the newsletter only when it included content that was either authored by a particular commissioner or directly pertained to them. You alleged that there was "no journalistic reason" for



Commissioner Guite to appear in the Summer 2005 issue of the newsletter, because there was no article in that issue that pertained to him.

We found that:

- Matt Everett has been the General Manager of Highline Water District since January 1, 2004. In 2004, Mr. Everett decided to include an article in each newsletter entitled "*Commissioner's Corner*" to inform Water District customers of the activities of the District. As General Manager, Mr. Everett is responsible for the content of the District's newsletters.
- Patricia Wade was the Executive Secretary of Highline Water District. Until her recent retirement, Ms. Wade was responsible for preparing the initial draft of *The Waterline* newsletter. Her drafts were submitted to the district's management staff, including Matt Everett, for revision and approval. Ms. Wade wrote the articles and selected the photographs to be used.

Ms. Wade wrote the "*Commissioner's Corner*" article in the Summer 2005 edition of *The Waterline*, and decided to include the photo of Mr. Guite in the newsletter. The title "*Commissioners Corner*" and Mr. Guite's position on the Board of Water Commissioners were inadvertently left off of the article, although Mr. Guite was identified by name in the photo. The article highlighted activities of the Water District and spoke from the perspective of the entire board. Mr. Guite did not request that his picture be placed in the newsletter, and had no input into the content of the article.

- The December 2004 edition of *The Waterline* newsletter included a "*Commissioner's Corner*" article about Water District business, and included a picture of Randall Taylor, Board Secretary.
- The Summer 2004 edition of *The Waterline* newsletter included a "*Commissioner's Corner*" article about Water District business, and included a picture of George Landon, President of the Board.
- The Winter 2004 edition of *The Waterline* newsletter was prepared by staff other than Ms. Wade because she was on medical leave. The newsletter did not include a "*Commissioner's Corner*" but included an article reporting that two board members had recently been re-elected, and included information about their background, experience and goals as commissioners.
- None of the "*Commissioner's Corner*" articles was written by the commissioner pictured, and all spoke from the perspective of the entire board.

The Summer 2005 edition of *The Waterline* was consistent with the photos and articles included in past issues. The inclusion of commissioner photos in the Highline Water District's regular newsletter is part of the normal and regular conduct of the agency. No evidence was found that in approving the Summer 2005 edition of *The Waterline*, Mr. Everett assisted the re-election campaign of Mr. Guite.

After a careful review of the alleged violations and relevant facts, we have concluded our investigation and, with the concurrence of the Chair of the Public Disclosure Commission, I am dismissing your complaint against Matt Everett of the Highline Water District. By separate letter, Mr. Everett is being notified of this dismissal.

If you have questions, please feel free to contact Phil Stutzman, Director of Compliance, at (360) 664-8853 or toll free at 1-877-601-2828.

Sincerely,

A handwritten signature in black ink, appearing to read "Vicki Rippie". The signature is fluid and cursive, with a large loop at the end of the last name.

Vicki Rippie
Executive Director